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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,118	11/16/2001	Jolyn Rutledge	2000P09057 US01	5792
7590	01/31/2006		EXAMINER	
Jack J Schwartz & Associates Suite 1507 1350 Broadway New York, NY 10018-7702			TOMASZEWSKI, MICHAEL	
			ART UNIT	PAPER NUMBER
			3626	

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/991,118	RUTLEDGE ET AL.
	<b>Examiner</b> Mike Tomaszewski	<b>Art Unit</b> 3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 16 November 2001.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 February 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                                                   |                                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                              | Paper No(s)/Mail Date. _____.                                               |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12 July 2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|                                                                                                                                                   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Notice To Applicant***

1. This communication is in response to the application filed on 16 November 2001. Claims 1-20 are pending. The IDS statements filed 12 July 2004, 18 December 2003, and 16 November 2001 have been entered and considered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simborg et al. (5,950,168; hereinafter Simborg), in view of Detjen et al. (5,970,466; hereinafter Detjen), in view of Joao (6,283,761; hereinafter Joao).

(A) As per claim 1, Joao discloses in a network compatible system for displaying medical information derived from a plurality of sources, user interface apparatus comprising:

- (i) a communication processor for acquiring via a communication network patient medical data (Joao: abstract; col. 14, line 59-col. 16, line 30; fig. 1-6); and
- (ii) a display generator for generating patient medical data (Joao: abstract; col. 15, lines 17-53; col. 48, lines 28-33).

Joao, however, fails to expressly disclose a network compatible system for displaying medical information derived from a plurality of sources, user interface apparatus comprising:

- (iii) a communication processor for acquiring via a communication network patient medical data *collated over a plurality of days* (emphasis added);
- (iv) a display generator for generating:
  - day indicator associated with said patient medical data indicating a current day and at least one of, (a) a prior day and (b) a subsequent day relative to said current day; said current day indication having a display attribute; and

- a timeline for use in identifying medical data associated with said current day and having a portion associated with said current day, said timeline portion being distinguished using said display attribute; and
- (v) a collation processor for prioritizing parameters of said acquired medical data for display in a desired order together with said timeline.

Nevertheless, these features are old and well known in the art, as evidenced by Simborg and Detjen. In particular, Simborg and Detjen disclose a network compatible system for displaying medical information derived from a plurality of sources, user interface apparatus comprising:

- (i) a communication processor for acquiring via a communication network patient medical data collated over a plurality of days (Simborg: abstract; col. 2, line 62-col. 3, line 67; fig. 1-4);
- (ii) a display generator for generating:  
day indicator associated with said patient medical data indicating a current day and at least one of, (a) a prior day and (b) a subsequent day relative to said current day; said current day indication having a display attribute (Simborg: abstract; col. 2, line 62-col. 3, line 67; fig. 1-4); and  
a timeline for use in identifying medical data associated with said current day and having a portion associated with said current day, said

timeline portion being distinguished using said display attribute (Detjen: abstract; col. 4, line 12-col. 5, line 63; fig. 1-4); and

- (iii) a collation processor for prioritizing parameters of said acquired medical data for display in a desired order together with said timeline (Detjen: abstract; col. 4, line 12-col. 5, line 63; col. 7, lines 8-57; fig. 1-4).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Simborg with the teachings of Joao with the motivation of providing an improved user interface for medical data (Simborg: col. 1, lines 15-21).

One of ordinary skill would have further found it obvious at the time of the invention to combine the teachings of Detjen with the combined teachings of Joao and Simborg with the motivation of more effectively displaying medical data (Detjen: col. 1, line 38-col. 2, line 45).

(B) As per claim 2, Joao fails to expressly disclose the apparatus of claim 1, wherein said timeline is capable of covering periods in excess of one day and includes intra-day time intervals.

Nevertheless, these features are old and well known in the art, as evidenced by Detjen. In particular, Detjen discloses the apparatus of claim 1, wherein said timeline is capable of covering periods in excess of one day and includes intra-day time intervals (Detjen: abstract; col. 4, line 12-col. 5, line 63; fig. 1-4).

One of ordinary skill would have further found it obvious at the time of the invention to combine the teachings of Detjen with the combined teachings of Joao and Simborg with the motivation of more effectively displaying medical data (Detjen: col. 1, line 38-col. 2, line 45).

(C) As per claim 3, Joao fails to expressly disclose the apparatus of claim 1, wherein said display attribute comprises a color.

Nevertheless, these features are old and well known in the art, as evidenced by Detjen. In particular, Detjen discloses the apparatus of claim 1, wherein said display attribute comprises a color (Detjen: abstract; col.4, line 12-col. 5, line 63; col. 7, line 8-57; fig. 1-9)

(Examiner has noted insofar as claim 3 recites, "at least one of (a) a color, (b) a text or symbol, (c) a text or symbol geometry or style, and (d) a font type," a color has been recited.).

One of ordinary skill would have further found it obvious at the time of the invention to combine the teachings of Detjen with the combined teachings of Joao and Simborg with the motivation of more effectively displaying medical data (Detjen: col. 1, line 38-col. 2, line 45).

(D) As per claim 4, Joao fails to expressly disclose the apparatus of claim wherein said color display attribute is background color.

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Nevertheless, these features are old and well known in the art, as evidenced by Detjen. In particular, Detjen discloses the apparatus of claim wherein said color display attribute is background color (Detjen: abstract; col.4, line 12-col. 5, line 63; col. 7, line 8-57; fig. 1-9).

(Examiner has noted insofar as claim 4 recites, "at least one of (a) background color, (b) a text color," background color has been recited.)

One of ordinary skill would have further found it obvious at the time of the invention to combine the teachings of Detjen with the combined teachings of Joao and Simborg with the motivation of more effectively displaying medical data (Detjen: col. 1, line 38-col. 2, line 45).

(E) As per claim 5, Joao fails to expressly disclose the apparatus of claim 1, wherein said prior day or subsequent day indications of said day indicator have a different display attribute than said current day display attribute.

Nevertheless, these features are old and well known in the art, as evidenced by Detjen. In particular, Detjen discloses the apparatus of claim 1, wherein said prior day or subsequent day indications of said day indicator have a different display attribute than said current day display attribute (Detjen: abstract; col.4, line 12-col. 5, line 63; col. 7, line 8-57; fig. 1-9).

One of ordinary skill would have further found it obvious at the time of the invention to combine the teachings of Detjen with the combined teachings of Joao and

Simborg with the motivation of more effectively displaying medical data (Detjen: col. 1, line 38-col. 2, line 45).

(F) As per claim 6, Joao fails to expressly disclose the apparatus of claim 5, wherein said different display attribute comprises a different color than a color associated with said current day display.

Nevertheless, these features are old and well known in the art, as evidenced by Detjen. In particular, Detjen discloses the apparatus of claim 5, wherein said different display attribute comprises a different color than a color associated with said current day display (Detjen: abstract; col.4, line 12-col. 5, line 63; col. 7, line 8-57; fig. 1-9).

One of ordinary skill would have further found it obvious at the time of the invention to combine the teachings of Detjen with the combined teachings of Joao and Simborg with the motivation of more effectively displaying medical data (Detjen: col. 1, line 38-col. 2, line 45).

(G) As per claim 7, Joao fails to expressly disclose the apparatus of claim 1, wherein said timeline portion associated with said current day is distinguished from another portion of said timeline by means of color.

Nevertheless, these features are old and well known in the art, as evidenced by Detjen. In particular, Detjen discloses the apparatus of claim 1, wherein said timeline portion associated with said current day is distinguished from another portion of said

timeline by means of color (Detjen: abstract; col.4, line 12-col. 5, line 63; col. 7, line 8-57; fig. 1-9).

One of ordinary skill would have further found it obvious at the time of the invention to combine the teachings of Detjen with the combined teachings of Joao and Simborg with the motivation of more effectively displaying medical data (Detjen: col. 1, line 38-col. 2, line 45).

(H) As per claim 8, Joao discloses the apparatus of claim 1, wherein said Communication network is at least one of an internet or intra-net compatible network (Joao: abstract; col. 15, lines 17-53; col. 48, lines 28-33).

Examiner has noted insofar as claim 8 recites, "at least one of an internet or intra-net compatible network," an internet has been recited.

(I) As per claim 9, Joao discloses the apparatus of claim 1, wherein said display generator is an internet browser (Joao: abstract; col. 15, lines 17-53; col. 48, lines 28-33).

(J) Claim 10 is a method claim that substantially repeats the same limitations of claim 1, the corresponding system claim. Whereas system claim 1 recites a collection of structural elements, claim 10 recites a series of process steps corresponding to the structural elements in system claim 1. Therefore, because the collective teachings of Joao, Simborg and Detjen disclose the structural elements that constitute the system of

claim 1, it is respectfully submitted that they perform the underlying process steps as well. As such, the limitations of claim 10 are rejected for the same reasons given above for claim 1 and incorporated herein.

(K) Claims 11-13 and 15-16 substantially repeat the same limitations of claims 1-9 and are therefore, rejected for the same reasons given for those claims.

(L) As per claim 14, Joao fails to expressly disclose the method of claim 11, further comprising the step of providing at said first area of the display a scrollable window for selecting said current day from said plurality of days.

Nevertheless, these features are old and well known in the art, as evidenced by Detjen. In particular, Detjen discloses the method of claim 11, further comprising the step of providing at said first area of the display a scrollable window for selecting said current day from said plurality of days (Detjen: abstract; col.4, line 12-col. 5, line 63; col. 7, line 8-57; fig. 1-9).

One of ordinary skill would have further found it obvious at the time of the invention to combine the teachings of Detjen with the combined teachings of Joao and Simborg with the motivation of displaying medical data more effectively (Detjen: col. 1, line 38-col. 2, line 45).

(M) Claims 17-20 substantially repeat the same limitations of claims 1-16, and are therefore rejected for the same reasons give for those claims.

(N) As per claims 1-20, Examiner respectfully submits that customizing a graphical user interface (e.g., browser, computer application window, etc.) in terms of, *inter alia*, color, background color, and font style, is notoriously well known and obvious. For example, web browsers (e.g., Microsoft Internet Explorer®, Firefox®, etc.) and various operating systems (e.g., Microsoft Windows®, etc.) allow users to customize the appearance of the display screen, as they see fit.

Examiner also respectfully submits that the various attributes affecting the appearance of displayed data (e.g., text color, background color, font type, indicator styles, etc.) are a matter of design choice. Therefore, although Joao does not expressly teach the use of various attributes affecting the appearance of displayed data, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Joao (or other prior art references, such as, Simborg and/or Detjen) to incorporate these differences as a matter of design choice (*In re Kuhle*, 526 F.2d 553, 188 USPQ 7 (CCPA 1975)). The motivation would be to display medical data more effectively (Detjen: col. 1, line 38-col. 2, line 45).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied art teaches a scheduling interface

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system and method for medical professionals (6,345,260); a medical facility and business: automatic interactive dynamic real-time management (5,748,907); an all care health management system (5,301,105); a therapeutic behavior modification program, compliance monitoring and feedback system (6,039,688); and a method of display scrolling along a time-base and an apparatus for performing method (6,380,953).

The cited but not applied prior art also includes non-patent literature articles by PR Newswire ("Elixis Announces New Consumer Product" Jul 8, 1999. pg. 1.) and Hutsko, Joe ("Programs That Can Redecorate Your Computer Screen" Oct 14, 1999. New York Times. pg. G.11.).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Tomaszewski whose telephone number is (571)272-8117. The examiner can normally be reached on M-F 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571)272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MT



1. 22.06



C. LUKE GILLIGAN  
PATENT EXAMINER